

REMARKS

Claims 1 and 5-7 have been amended to improve the claim language and to clarify the nature of the claimed slide surfaces and wedge-shaped components/parts. Support for these amendments can be found, for example, in the specification at page 2, lines 7-10, page 2, line 30 - page 3, line 6, page 6, lines 4-8 and FIGS. 4-7. No new matter has been added. Claims 1-8 remain pending in this application.

The disclosure is objected to because the word "plane" appears on page 2 of the specification in some places instead of the word "planar." The specification has been amended to correct these informalities.

Claims 5-7 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. In particular, claims 5 and 7 are rejected for reciting a wedge part having a varying angle, and claim 6 is rejected for reciting intermediate parts having substantially parallel bottom faces. Claims 5-7 have been amended to recite these aspects of the claimed invention in a clearer manner in view of the written description of the application.

Claims 5-7 are rejected under 35 USC 112, second paragraph, as being indefinite in connection with the use of the terms "standard" and "normal." Claims 5-7 have been amended to recite the claimed subject matter using different terminology.

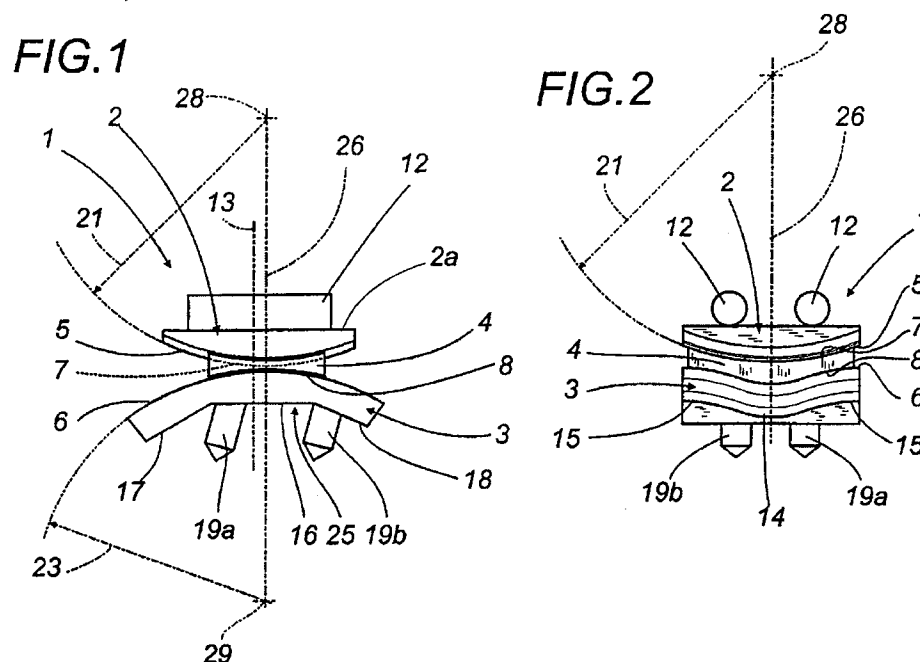
Claims 1-5, 7 and 8 are rejected under 35 USC 102(b) on Leardini (WO 00/69373). This rejection is respectfully traversed with respect to the claims as amended.

Claim 1 recites an endoprosthesis for replacing an ankle joint. The endoprosthesis has a lower component, an upper component and an intermediate part. The lower component is configured to be connected to an ankle bone and forms a top slide surface. The upper component forms a bottom slide surface and has an upper connection surface configured for connection to a resection surface of a shin bone. The intermediate part has two slide surfaces interacting with the top and bottom slide surfaces of the upper and lower components. Either the upper

component is wedge-shaped in a frontal or sagittal section between its bottom slide surface and its top connection surface, or the intermediate part is wedge-shaped in a sagittal section between its slide surfaces. Claim 6 recites similar limitations.

Claim 1 has been amended to recite that the bottom slide surface of the upper component is planar or substantially planar, and the slide surface of the intermediate part interacting with the bottom slide surface of the upper component is planar or substantially planar. Claim 1 has also been amended to recite that the wedge-shape of the upper component is indicated by one edge of the upper component having a greater thickness than an opposite edge of the upper component, and that the wedge-shape of the intermediate part is indicated by one edge of the intermediate part having a greater thickness than an opposite edge of the intermediate part. Claim 6 has been amended to recite similar limitations.

Leardini does not disclose a planar or substantially planar bottom slide surface of an upper component as claimed. Nor does Leardini disclose a planar or substantially planar slide surface of an intermediate part interacting with the bottom slide surface of an upper component as claimed. In contrast, as shown in FIGS. 1 and 2 of Leardini below:



the bottom slide surface of tibial component 2, articular surface 5, forms a convex circular arc, and the slide surface of floating meniscal component 4 which interacts with articular surface 5 forms a concave circular arc.

Accordingly, because Leardini does not disclose all of the elements required by the claims, this rejection should be withdrawn.

In view of the above, early action allowing claims 1-8 is solicited.

In the event the Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **246472009200**.

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